

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

RAS JAH MIKES MATTA,

Defendant/Movant.

Cause No. CR 10-10-BLG-SPW  
CV 21-75-BLG-SPW

ORDER DISMISSING § 2255  
MOTION AND DENYING  
CERTIFICATE OF  
APPEALABILITY

On June 28, 2021, Defendant/Movant Matta filed a motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255. Matta is currently a state prisoner and federal pretrial detainee. He is proceeding pro se.

Matta has fully discharged both his prison term and his term of supervised release in this case. *See, e.g.*, Judgment on Revocation (Doc. 82). To proceed under 28 U.S.C. § 2255, Matta must be “in custody under sentence of” a federal court. 28 U.S.C. § 2255(a). Matta is no longer in custody under the sentence imposed in this case. “[O]nce the sentence imposed for a conviction has completely expired, the collateral consequences of that conviction are not themselves sufficient to render an individual ‘in custody’ for the purposes of a habeas attack upon it.” *Maleng v. Cook*, 490 U.S. 488, 492 (1989).

This law is not only well-settled but was reiterated by the Supreme Court

last April. *See Alaska v. Wright*, \_\_ U.S. \_\_, 141 S. Ct. 1467, 1468 (2021) (per curiam). A certificate of appealability is not warranted. *See Gonzalez v. Thaler*, 565 U.S. 134, 140–41 (2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Accordingly, IT IS ORDERED:

1. Matta's motion under 28 U.S.C. § 2255 motion (Doc. 84) is DISMISSED for lack of jurisdiction.
2. A certificate of appealability is DENIED. The clerk shall immediately process the appeal if Matta files a Notice of Appeal.
3. The clerk shall ensure that all pending motions in this case and in CV 21-75-BLG-SPW are terminated and shall close the civil file by entering a judgment of dismissal.

DATED this 20<sup>th</sup> day of July, 2021.

  
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Susan P. Watters  
United States District Court